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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,493	04/07/2000	Sherman Janes	004698.P001	1791
22852	7590	03/29/2006	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			PARTHASARATHY, PRAMILA	
		ART UNIT	PAPER NUMBER	
		2136		

DATE MAILED: 03/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/544,493	JANES, SHERMAN	
	Examiner Pramila Parthasarathy	Art Unit 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 February 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3,4,6-10,13,14,16,17,19-23 and 26-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3,4,6-10,13,14,16,17,19-23 and 26-28 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the communication filed on February 06, 2006. No new Claims have been added. Claims 1, 3, 4, 6 – 10, 13, 14, 16, 17, 19 – 23 and 26 – 28 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Amended Claims 1, 3 and 4 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The amended independent Claim 1 recites, “ ... creating a selector based on the selector data and using said selector to search a local sending client database of security...” and “...storing a receiving client database comprising a similar plurality ...”.

With respect to "a local sending client" and "a receiving client database", although the specification discloses "A selector is part of a selector/security association pairthat is to be used by both a sending client and a receiving client to secure participation in the corresponding event" (see page 20 lines 18 – 23), the specification does not disclose a local sending client database of security and a receiving client database. Applicant amendment does not clarify the steps of "a local sending client database of security".

The dependent claims 3 and 4 are rejected at least by virtue of their dependency on the dependent claims.

3. The term "relatively short" in claims 27 and 28 is a relative term, which renders the claim indefinite. The term "relatively short" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

4. The term "similar plurality" in claims 1, 8, 14, 21, 27 and 28 is a relative term, which renders the claim indefinite. The term "similar plurality" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

The dependent claims 3, 4, 9, 16, 17 and 22 are rejected at least by virtue of their dependency on the dependent claims.

Response to Remarks/Arguments

5. Applicant's remarks/arguments filed on February 06, 2006, with respect to Claims 1, 3, 4, 6 – 10, 13, 14, 16, 17, 19 – 23 and 26 – 28, have been fully considered but they are not persuasive.

Referring to the previous Office action, Examiner had cited relevant portions of the references as a means to illustrate the system as taught by the prior art. As a means of providing further clarification as to what is taught by the references used in the first office action, Examiner has expanded the teachings for comprehensibility while maintaining the same grounds of rejection of the claims.

Pensak et al. (U.S. Patent Number 6,289,450), teaches a system and method for encrypting electronic information so that access to the information can be controlled by the author or other controlling party. Furthermore, Pensak teaches that electronic encryption and decryption keys are not retained by an encrypting or decrypting party.

Regarding independent Claims 1, 6, 14 and 19, Applicant argues that Pensak does not teach “store a database of the received decryption keys” and “the receiving client storing a receiving client database comprising a similar plurality of selector/security association pairs received from said key server”. These arguments are not persuasive.

Pensak teaches “store a database of the received decryption keys” and “the receiving client storing a receiving client database comprising a similar plurality of selector/security association pairs received from said key server” (Column 2 lines 10 – 57 and Column 9 lines 4 – 12). Furthermore, Applicant does not explicitly recite “store a database of the received decryption keys” in Claim 1.

Regarding independent Claims 27 and 28, Applicant argues that Pensak does not teach “timewise intervals that are relatively short compared to a duration”. This argument is not persuasive.

Pensak teaches “timewise intervals that are relatively short compared to a duration” (Column 2 line 10 – 57 and Column 5 lines 28 – 48).

Examiner’s Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the

responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Applicant clearly has failed to explicitly identify specific claim limitations, which would define a patentable distinction over prior arts. Therefore, the examiner respectfully asserts that cited prior art does teach or suggest the subject matter broadly recited in independent Claims 1, 6, 14, 19, 27 and 28. Dependent claims 3, 4, 7 – 10, 13, 16, 17, 20 – 23 and 26 are also rejected at least by virtue of their dependency on independent claims and by other reason set forth in this office action.

Accordingly, the rejection for the pending Claims 1, 3, 4, 6 – 10, 13, 14, 16, 17, 19 – 23 and 26 – 28 is respectfully maintained.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1, 3, 4, 6 – 10, 13, 14, 16, 17, 19 – 23 and 26 – 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Pensak et al. (U.S. Patent Number 6,289,450).

7. Regarding Claims 1, 6, 14 and 19, Pensak teaches receiving data from a network application program interface (API) of a sending client, the data comprising a portion of an event to be sent from the sending client to a receiving client (Summary and Column 2 lines 10 – 28); determining if the data is eligible for a security operation, wherein eligibility is determined by selector data contained in the data(Summary and Column 2 lines 10 – 28); creating a selector based on the selector data and using said selector to search a local sending client database of security associations for at least one selector/security association pair identifying a security association corresponding to the selector, said database storing a plurality of selector/security association pairs received from a key server corresponding to different timewise intervals of said event, the receiving client storing a receiving client database comprising a similar plurality of selector/security association pairs received from said key server (Summary and Column 2 lines 10 – 57); sending the data to which the security operation has been applied to a network protocol layer of the sending client (Summary and Column 3 lines 10 – 35).

8. Regarding Claims 27 and 28, Pensak teaches a processing unit to: receive a selector/security association pair identifying a security association corresponding to succession of time intervals of said event that are relatively short compared to said event duration (Summary and Column 2 lines 10 – 28);

receiving data from a network application program interface (API) of the sending client, the data including a portion of the event within one of said timewise intervals(Summary and Column 2 lines 10 – 28),

determine if the data is eligible for a security operation, wherein eligibility is determined by selector data contained in the data(Summary and Column 2 lines 10 – 28),

create a selector based on the selector data, wherein said selector indicates at least one of said selector/security association received from the key server(Summary and Column 2 lines 10 – 57);

apply the security operation to the data if the data is eligible, wherein applying the security operation comprises using the security association on the at least a portion of the data(Summary and Column 2 lines 10 – 57), and

send the data to which the security operation has been applied to a network protocol layer of the sending client (Summary and Column 3 lines 10 – 35).

9. Claims 8 and 21 are rejected as applied above in rejecting claims 6 and 19. Furthermore, Pensak teaches said event to be sent from the sending client to a receiving client storing a remote database comprising a similar plurality of selector/security association pairs respectively corresponding to said different timewise intervals of said event (Summary and Column 5 line 50 – Column 6 line 60).

Art Unit: 2136

10. Claims 4 and 17 are rejected as applied above in rejecting claims 1 and 14.

Furthermore, Pensak teaches attaching a header to the data, said header including a security operation tag; and encrypting the data (Summary and Column 5 line 50 – Column 8 line 6).

11. Claims 10 and 23 are rejected as applied above in rejecting claims 6 and 19.

Furthermore, Pensak teaches determining that the data is not eligible for the security operation if the selector cannot be created based on the selector data, wherein said data is sent to the network API or the receiving client without an applied security operation if it is determined that the data is not eligible (Summary and Column 5 line 50 – Column 6 line 60).

12. Claims 13 and 26 are rejected as applied above in rejecting claims 6 and 19.

Furthermore, Pensak teaches applying encryption to the data; removing special packaging from the data; applying decryption to the data; and performing an integrity check on the data (Summary; Column 7 line 59 – Column 8 line 60).

13. Claim 20 is rejected as applied above in rejecting claim 19. Furthermore, Pensak teaches detecting a security operation tag in a header to the data; detecting failure of an integrity check (Summary; Column 5 line 50 – Column 6 line 60).

14. Claims 3 and 16 are rejected as applied above in rejecting claims 2 and 14. Furthermore, Pensak teaches selector data is based at least in part on one of an internet protocol address taken from the data and a port indicator taken from the data (Summary; Column 5 line 50 – Column 6 line 60 and Column 7 line 59 – Column 8 line 60).

15. Claim 7 is rejected as applied above in rejecting claim 6. Furthermore, Pensak teaches detecting a security operation tag in a header to the data; performing an integrity check (Summary; Column 5 line 50 – Column 6 line 60).

16. Claims 9 and 22 are rejected as applied above in rejecting claims 8 and 21. Furthermore, Pensak teaches receiving client database selector/security association pairs and said sending client data base selector/security association pairs having been received from said key server (Summary; Column 5 line 50 – Column 6 line 60 and Column 8 line 64 – Column 9 line 15).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on 8:00a.m. To 5:00p.m.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-232-3795. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pramila Parthasarathy
March 20, 2006.

CHRISTOPHER REVAK
PRIMARY EXAMINER

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